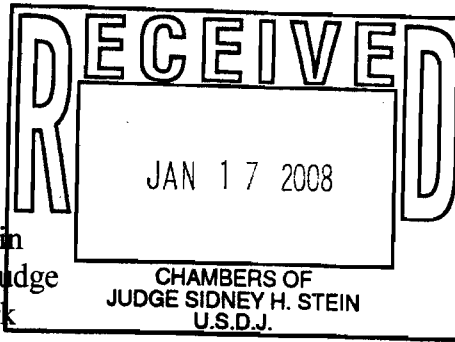


January 14, 2008

The Honorable Sidney H. Stein  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/22/08

Re: Sash v. Plummer, Et Al.  
07 Civ. 5536 (SHS)(JCF)

Dear Judge Stein:

I have just received Your Honor's **ORDER** of January 7, 2008 adopting the December 14, 2007 Report and Recommendation of Magistrate Francis dismissing my Verified Complaint without prejudice to its being refilled upon payment of the required filing fee.

Please be advised that this is the first knowledge I have that Magistrate Francis filed a Report in this cause of action. If I had received a copy of the Report, I would surely have opposed it.

As the Honorable Court may or may not be aware, I filed this cause of action when I was in Federal custody because the Three Year Statute of Limitations, as well as the Six Month Statute of Limitations regarding Tort Claims was expiring. Had I not been in Federal custody, I would have filed for *forma pauperis* status just the same.

But I was released into the Federal Halfway-House in Newark, New Jersey on October 2, 2007. As is the case with the Federal Bureau of Prisons, mail that was sent to me at my previous facility (Low Security Correctional Institution Allenwood in White Deer Pennsylvania) was never forwarded to me at the Halfway-House.

In anticipation of and with previous experience of the BOP's failures to forward inmate legal mail, I had requested that the Pro-Se Clerk's Office send courtesy copies of any Court documents to me care of my wife, Joyce R. Garland-Sash. Your Honor's **ORDER** of January 7, 2008 was the first mail from the Honorable Court received by my wife in this cause of action. I did not think there was a problem as the Assistant United States Attorney, Mr. Bober, directly sent me care of my wife, a copy of his letter to Magistrate Francis requesting the release of the Pre-Sentence Report that is at the heart of the subject matter in my Verified Complaint.

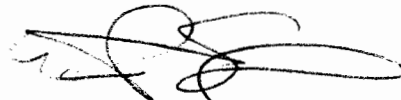
1/22/08  
At plaintiff's request, the Clerk  
dated Jan 7, 08 is vacated. Plaintiff  
shall file any objection to  
M.J. Francis's Report & Recommendation  
this filed 12/14/07 on or before  
Feb 15, 2008.  
So ordered  
S. H. Stein

Therefore, I am asking Your Honor to construe this letter as a Motion To Vacate the Honorable Court's **ORDER** of January 7, 2008, and to allow me at least 21-days to file my objections to Magistrate Francis' Report and Recommendations of December 14, 2007. Although I am aware that the normal time period to object to a Magistrate's Report is 10-days, I am undergoing surgery on my cervical spine this Wednesday morning (January 16, 2008) and will be undergoing the first of three (3) surgeries on my lumbar spine, on the morning of January 24, 2008 (all related to a car accident I was involved in on January 29, 2005).

I would also ask the Honorable Court to direct the Pro-Se Clerk's Office to send me a copy of Magistrate Francis' Report and Recommendation of December 14, 2007, as well as copies of any other filings to or from the Honorable Court since September 25, 2007.

Please accept my appreciation for the Honorable Court's and Your Honor's valuable time in consideration of these matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eliot S. Sash', with a large, stylized flourish extending from the end of the signature.

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